

# Senate Study Bill 3157

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CO=CHAIRPERSON BLACK)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act creating a department of environmental protection.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5027XK 81  
4 av/je/5

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1 1 Section 1. Section 7A.3, Code 2005, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 10A. Director of department of  
1 4 environmental protection.  
1 5 Sec. 2. Section 7E.5, subsection 1, paragraph q, Code  
1 6 Supplement 2005, is amended to read as follows:  
1 7 q. The department of natural resources, created in section  
1 8 455A.2, which has primary responsibility for state parks and  
1 9 forests, ~~protecting the environment~~, and managing ~~energy~~,  
1 10 fish, wildlife, and land and water resources.  
1 11 Sec. 3. Section 7E.5, subsection 1, Code Supplement 2005,  
1 12 is amended by adding the following new paragraph:  
1 13 NEW PARAGRAPH. w. The department of environmental  
1 14 protection, created in section 455.2, which has primary  
1 15 responsibility for protecting the environment and managing  
1 16 energy resources.  
1 17 Sec. 4. Section 11.5B, Code 2005, is amended by adding the  
1 18 following new subsection:  
1 19 NEW SUBSECTION. 15. Department of environmental  
1 20 protection.  
1 21 Sec. 5. Section 28D.3, subsection 4, Code 2005, is amended  
1 22 to read as follows:  
1 23 4. Persons employed by the department of natural resources  
1 24 or the department of environmental protection under this  
1 25 chapter are not subject to the twenty-four-month time  
1 26 limitation specified in subsection 2.  
1 27 Sec. 6. Section 68B.2, subsection 23, Code Supplement  
1 28 2005, is amended to read as follows:  
1 29 23. "Regulatory agency" means the department of  
1 30 agriculture and land stewardship, department of workforce  
1 31 development, department of commerce, Iowa department of public  
1 32 health, department of public safety, department of education,  
1 33 state board of regents, department of human services,  
1 34 department of revenue, department of inspections and appeals,  
1 35 department of administrative services, public employment  
2 1 relations board, state department of transportation, civil  
2 2 rights commission, department of public defense, Iowa ethics  
2 3 and campaign disclosure board, department of environmental  
2 4 protection, and department of natural resources.  
2 5 Sec. 7. Section 225B.4, subsection 1, Code 2005, is  
2 6 amended by adding the following new paragraph:  
2 7 NEW PARAGRAPH. k. The director of the department of  
2 8 environmental protection, or the director's designee.  
2 9 Sec. 8. Section 307.21, subsection 4, paragraph a, Code  
2 10 2005, is amended to read as follows:  
2 11 a. Provide centralized purchasing services for the  
2 12 department, in cooperation with the department of  
2 13 administrative services. The administrator shall, when the  
2 14 price is reasonably competitive and the quality as intended,  
2 15 purchase soybean-based inks and plastic products with recycled  
2 16 content, including but not limited to plastic garbage can

liners, and shall purchase these items in accordance with the schedule established in section 8A.315. However, the administrator need not purchase garbage can liners in accordance with the schedule if the liners are utilized by a facility approved by the environmental protection commission created under section ~~455A.6~~ 455.5, for purposes of recycling. For purposes of this subsection, "recycled content" means that the content of the product contains a minimum of thirty percent postconsumer material.

Sec. 9. Section 427.1, subsection 19, unnumbered paragraphs 5, 7, and 9, Code Supplement 2005, are amended to read as follows:

The application for a specific pollution=control or recycling property shall be accompanied by a certificate of the department of ~~natural resources~~ environmental protection certifying that the primary use of the pollution=control property is to control or abate pollution of any air or water of this state or to enhance the quality of any air or water of this state or, if the property is recycling property, that the primary use of the property is for recycling.

The environmental protection commission of the department of ~~natural resources~~ environmental protection shall adopt rules relating to certification under this subsection and information to be submitted for evaluating pollution=control or recycling property for which a certificate is requested. The department of revenue shall adopt any rules necessary to implement this subsection, including rules on identification and valuation of pollution=control or recycling property. All rules adopted shall be subject to the provisions of chapter 17A.

For the purposes of this subsection, "pollution" means air pollution as defined in section 455B.131 or water pollution as defined in section 455B.171. "Water of the state" means the water of the state as defined in section 455B.171. "Enhance the quality" means to diminish the level of pollutants below the air or water quality standards established by the environmental protection commission of the department of ~~natural resources~~ environmental protection.

Sec. 10. NEW SECTION. 455.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Commission" means the environmental protection commission created under section 455.5.

2. "Department" means the department of environmental protection created under section 455.2.

3. "Director" means the director of the department of environmental protection.

Sec. 11. NEW SECTION. 455.2 DEPARTMENT OF ENVIRONMENTAL PROTECTION.

A department of environmental protection is created, which has the primary responsibility for protecting the environment and managing energy resources in this state.

Sec. 12. NEW SECTION. 455.3 DIRECTOR == QUALIFICATIONS.

The chief administrative officer of the department is the director who shall be appointed by the governor, subject to confirmation by the senate, and serve at the governor's pleasure. The governor shall make the appointment based on the appointee's training, experience, and capabilities. The director shall be knowledgeable in the general field of environmental protection. The salary of the director shall be fixed by the governor within salary guidelines or a range established by the general assembly.

Sec. 13. NEW SECTION. 455.4 GENERAL POWERS AND DUTIES OF THE DIRECTOR.

1. Except as otherwise provided by law and subject to rules adopted by the commission, the director shall:

a. Plan, direct, coordinate, and execute the functions vested in the department.

b. Provide overall supervision, direction, and coordination of functions to be administered by the administrators under chapters 455B, 455C, 455D, 455E, 455F, 455G, 455H, 455I, 455K, 457B, 458A, 459, 459A, 460, 466, 470, and 473.

c. Annually compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department and each program, subprogram, and activity in the department in accordance with section 8.23.

d. Submit a biennial or an annual report to the governor and the general assembly, in accordance with chapter 7A.

e. Employ personnel as necessary to carry out the functions vested in the department consistent with chapter 8A,

4 28 subchapter IV, unless the positions are exempt from that  
4 29 subchapter.  
4 30 f. Devote full time to the duties of the director's  
4 31 office.  
4 32 g. Not be a candidate for nor hold any other public office  
4 33 or trust, nor be a member of a political committee.  
4 34 h. Maintain an office at the state capitol complex, which  
4 35 is open at all reasonable times for the conduct of public  
5 1 business.  
5 2 i. Adopt rules in accordance with chapter 17A as necessary  
5 3 or desirable for the organization or reorganization of the  
5 4 department.  
5 5 2. All powers and duties vested in the director may be  
5 6 delegated by the director to an employee of the department,  
5 7 but the director retains the responsibility for an employee's  
5 8 acts within the scope of the delegation.  
5 9 3. The director and other officers and employees of the  
5 10 department are entitled to receive, in addition to salary,  
5 11 their actual and necessary travel and related expenses  
5 12 incurred in the performance of official business.  
5 13 4. The director shall obtain an adequate public employees  
5 14 fidelity bond to cover those officers and employees of the  
5 15 department accountable for property or funds of this state.  
5 16 5. The department may accept payment of any fees,  
5 17 interest, penalties, subscriptions, or other payments due or  
5 18 collected by the department, or any portion of such payments,  
5 19 by credit card. The department may adjust the amount of the  
5 20 payment to reflect the costs of processing the payment as  
5 21 determined by the treasurer of state and the payment by credit  
5 22 card shall include, in addition to all other charges, any  
5 23 discount charged by the credit card issuer.  
5 24 Sec. 14. NEW SECTION. 455.5 ENVIRONMENTAL PROTECTION  
5 25 COMMISSION == APPOINTMENT AND DUTIES.  
5 26 1. An environmental protection commission is created,  
5 27 which consists of nine members appointed by the governor for  
5 28 staggered terms of four years beginning and ending as provided  
5 29 in section 69.19. Commission appointees are subject to senate  
5 30 confirmation. The members shall be electors of the state and  
5 31 have knowledge in the area of environmental protection  
5 32 including the subjects embraced in chapters 455B and 459. The  
5 33 appointments shall be based upon the training, experience, and  
5 34 capacity of the appointees, and not based upon political  
5 35 considerations, other than as provided in section 69.16. The  
6 1 membership of the commission shall be as follows:  
6 2 a. Three members actively engaged in livestock and grain  
6 3 farming.  
6 4 b. A member actively engaged in the business of finance or  
6 5 commerce.  
6 6 c. A member actively engaged in the management of a  
6 7 manufacturing company.  
6 8 d. Four members who are electors of the state.  
6 9 2. A vacancy on the commission shall be filled for the  
6 10 unexpired term in the same manner as the original appointment  
6 11 was made.  
6 12 3. The members of the commission shall be reimbursed for  
6 13 actual and necessary travel and related expenses incurred in  
6 14 the discharge of official duties. Each member of the  
6 15 commission may also be eligible to receive compensation as  
6 16 provided in section 7E.6.  
6 17 4. The commission shall hold an organizational meeting  
6 18 within thirty days of the beginning of a new regular term for  
6 19 one or more of its members. The commission shall organize by  
6 20 electing a chairperson, vice chairperson, secretary, and any  
6 21 other officers deemed necessary or desirable. The commission  
6 22 shall meet at least quarterly throughout the year.  
6 23 5. A majority of the members of the commission is a  
6 24 quorum, and a majority of a quorum may act in any matter  
6 25 within the jurisdiction of the commission, unless a more  
6 26 restrictive rule is adopted by the commission.  
6 27 6. Except as otherwise provided by law, the commission  
6 28 shall:  
6 29 a. Establish policy for the department and adopt rules,  
6 30 pursuant to chapter 17A, necessary to provide for the  
6 31 effective administration of chapters 455B, 455C, and 459.  
6 32 b. Hear appeals in contested cases pursuant to chapter 17A  
6 33 on matters relating to actions taken by the director under  
6 34 chapter 455C, 458A, 464B, or 473.  
6 35 c. Approve or disapprove the issuance of hazardous waste  
7 1 disposal site licenses under chapter 455B.  
7 2 d. Approve the budget request prepared by the director for  
7 3 the programs authorized by chapters 455B, 455C, 455E, 455F,

7 4 455H, and 459. The commission shall approve the budget  
7 5 request prepared by the director for programs subject to the  
7 6 rulemaking authority of the commission. The commission may  
7 7 increase, decrease, or strike any item within the department  
7 8 budget request for the specified programs before granting  
7 9 approval.

7 10 Sec. 15. NEW SECTION. 455.6 CREATION OF DIVISIONS,  
7 11 BUREAUS, AND OTHER ADMINISTRATIVE ENTITIES == DEPUTY DIRECTOR  
7 12 == ADMINISTRATORS.

7 13 1. The director may establish administrative divisions,  
7 14 bureaus, or other administrative entities within the  
7 15 department in order to most efficiently and effectively carry  
7 16 out the department's responsibilities. The creation or  
7 17 modification of departmental divisions, bureaus, or other  
7 18 administrative entities shall be implemented only after  
7 19 consultation with the environmental protection commission.

7 20 2. The director shall appoint a deputy director who shall  
7 21 be in charge of the department in the absence of the director.  
7 22 The appointment shall be based on the appointee's training,  
7 23 experience, and capabilities.

7 24 3. The director shall appoint an administrator for each  
7 25 division created under subsection 1. The director shall make  
7 26 the appointment based on the appointee's training, experience,  
7 27 and capabilities. Each administrator has the responsibility  
7 28 of administering the programs assigned the division under  
7 29 subsection 1 and other programs assigned by the director.  
7 30 Each administrator shall carry out the duties and  
7 31 responsibilities of office under the general direction and  
7 32 supervision of the director.

7 33 Sec. 16. NEW SECTION. 455.7 FEES == PUBLICATIONS.

7 34 1. The department may establish a schedule of fees for  
7 35 subscriptions to publications produced by the department,  
8 1 including periodicals. However, this subsection does not  
8 2 apply to application forms and materials intended for general  
8 3 distribution which explain departmental programs or duties.

8 4 2. Fees shall be based on the amount required to recover  
8 5 the reasonable costs of producing a publication, including  
8 6 costs relating to preparing, printing, publishing, and  
8 7 distributing the publication.

8 8 Sec. 17. Section 455A.1, subsection 3, Code 2005, is  
8 9 amended by striking the subsection.

8 10 Sec. 18. Section 455A.2, Code 2005, is amended to read as  
8 11 follows:

8 12 455A.2 DEPARTMENT OF NATURAL RESOURCES.

8 13 A department of natural resources is created, which has the  
8 14 primary responsibility for state parks and forests, ~~protecting~~  
8 15 ~~the environment,~~ and managing ~~energy,~~ fish, wildlife, and land  
8 16 and water resources in this state.

8 17 Sec. 19. Section 455A.3, Code 2005, is amended to read as  
8 18 follows:

8 19 455A.3 DIRECTOR == QUALIFICATIONS.

8 20 The chief administrative officer of the department is the  
8 21 director who shall be appointed by the governor, subject to  
8 22 confirmation of the senate, and serve at the governor's  
8 23 pleasure. The governor shall make the appointment based on  
8 24 the appointee's training, experience, and capabilities. The  
8 25 director shall be knowledgeable in the general field of  
8 26 natural resource management ~~and environmental protection.~~ The  
8 27 salary of the director shall be fixed by the governor within  
8 28 salary guidelines or a range established by the general  
8 29 assembly.

8 30 Sec. 20. Section 455A.4, subsection 1, unnumbered  
8 31 paragraph 1, Code Supplement 2005, is amended to read as  
8 32 follows:

8 33 Except as otherwise provided by law and subject to rules  
8 34 adopted by the natural resource commission ~~and the~~  
8 35 ~~environmental protection commission,~~ the director shall:

9 1 Sec. 21. Section 455A.4, subsection 1, paragraph b, Code  
9 2 Supplement 2005, is amended to read as follows:

9 3 b. Provide overall supervision, direction, and  
9 4 coordination of functions to be administered by the  
9 5 administrators under chapters 321G, 321I, ~~455B, 455C, 456,~~  
9 6 ~~456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and~~  
9 7 ~~VI, \* chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,~~  
9 8 ~~483A, 484A, and 484B.~~

9 9 Sec. 22. Section 455A.7, subsection 1, Code 2005, is  
9 10 amended to read as follows:

9 11 1. The director may establish administrative divisions,  
9 12 bureaus, or other administrative entities within the  
9 13 department in order to most efficiently and effectively carry  
9 14 out the department's responsibilities. The creation or

9 15 modification of departmental divisions, bureaus, or other  
9 16 administrative entities shall be implemented only after  
9 17 consultation with the natural resource commission ~~or the~~  
~~9 18 environmental protection commission as applicable.~~  
9 19 Sec. 23. Section 455B.101, subsections 1 and 3, Code 2005,  
9 20 are amended to read as follows:  
9 21 1. "Department" means the department of ~~natural resources~~  
9 22 environmental protection created under section ~~455A.2~~ 455.2.  
9 23 3. "Commission" means the environmental protection  
9 24 commission created under section ~~455A.6~~ 455.5.  
9 25 Sec. 24. Section 455B.103, subsection 4, unnumbered  
9 26 paragraph 1, Code Supplement 2005, is amended to read as  
9 27 follows:  
9 28 Conduct investigations of complaints received directly or  
9 29 referred by the commission created in section ~~455A.6~~ 455.5 or  
9 30 other investigations deemed necessary. While conducting an  
9 31 investigation, the director may enter at any reasonable time  
9 32 in and upon any private or public property to investigate any  
9 33 actual or possible violation of this chapter, chapter 459,  
9 34 chapter 459A, or the rules or standards adopted under this  
9 35 chapter, chapter 459, or chapter 459A. However, the owner or  
10 1 person in charge shall be notified.  
10 2 Sec. 25. Section 455B.477, subsection 7, Code 2005, is  
10 3 amended to read as follows:  
10 4 7. The civil penalties or other damages or moneys  
10 5 recovered by the state or the petroleum underground storage  
10 6 tank fund in connection with a petroleum underground storage  
10 7 tank under this part of this division or chapter 455G shall be  
10 8 credited to the fund created in section 455G.3 and allocated  
10 9 between fund accounts according to the fund budget. Any  
10 10 federal moneys, including but not limited to federal  
10 11 underground storage tank trust fund moneys, received by the  
10 12 state or the department of natural resources, or by the  
~~10 13 department of environmental protection on or after July 1,~~  
~~10 14 2006,~~ in connection with a release occurring on or after May  
10 15 5, 1989, or received generally for underground storage tank  
10 16 programs on or after May 5, 1989, shall be credited to the  
10 17 fund created in section 455G.3 and allocated between fund  
10 18 accounts according to the fund budget, unless such use would  
10 19 be contrary to federal law. The department shall cooperate  
10 20 with the board of the Iowa comprehensive petroleum underground  
10 21 storage tank fund to maximize the state's eligibility for and  
10 22 receipt of federal funds for underground storage tank related  
10 23 purposes.  
10 24 Sec. 26. Section 455B.516, subsections 1 and 2, Code 2005,  
10 25 are amended to read as follows:  
10 26 1. "Commission" means the environmental protection  
10 27 commission established pursuant to section ~~455A.6~~ 455.5.  
10 28 2. "Department" means the department of ~~natural resources~~  
10 29 environmental protection created pursuant to section ~~455A.2~~  
10 30 455.2.  
10 31 Sec. 27. Section 455C.1, subsection 7, Code 2005, is  
10 32 amended to read as follows:  
10 33 7. "Department" means the department of ~~natural resources~~  
10 34 environmental protection created under section ~~455A.2~~ 455.2.  
10 35 Sec. 28. Section 455D.1, subsection 2, Code 2005, is  
11 1 amended to read as follows:  
11 2 2. "Department" means the department of ~~natural resources~~  
11 3 environmental protection created pursuant to section ~~455A.2~~  
11 4 455.2.  
11 5 Sec. 29. Section 455E.2, subsections 2 and 5, Code 2005,  
11 6 are amended to read as follows:  
11 7 2. "Commission" means the environmental protection  
11 8 commission created under section ~~455A.6~~ 455.5.  
11 9 5. "Department" means the department of ~~natural resources~~  
11 10 environmental protection created under section ~~455A.2~~ 455.2.  
11 11 Sec. 30. Section 455F.1, subsections 2, 3, and 4, Code  
11 12 2005, are amended to read as follows:  
11 13 2. "Department" means the department of ~~natural resources~~  
11 14 environmental protection created under section 455.2.  
11 15 3. "Display area label" means the signage used by a  
11 16 retailer to mark a household hazardous material display area  
11 17 as prescribed by the department of ~~natural resources~~  
11 18 environmental protection.  
11 19 4. "Household hazardous material" means a product used for  
11 20 residential purposes and designated by rule of the department  
11 21 of ~~natural resources~~ environmental protection and may include  
11 22 any hazardous substance as defined in section 455B.411,  
11 23 subsection 2; and any hazardous waste as defined in section  
11 24 455B.411, subsection 3; and shall include but is not limited  
11 25 to the following materials: motor oils, motor oil filters,

11 26 gasoline and diesel additives, degreasers, waxes, polishes,  
11 27 pure solvents, lacquers, thinners, caustic household cleaners,  
11 28 spot and stain remover with petroleum base, petroleum-based  
11 29 fertilizers, and paints with the exception of latex-based  
11 30 paints. However, "household hazardous material" does not  
11 31 include noncaustic household cleaners, laundry detergents or  
11 32 soaps, dishwashing compounds, chlorine bleach, personal care  
11 33 products, personal care soaps, cosmetics, and medications.  
11 34 Sec. 31. Section 455G.2, Code Supplement 2005, is amended  
11 35 by adding the following new subsection:  
12 1 NEW SUBSECTION. 8A. "Department" means the department of  
12 2 environmental protection created under section 455.2.  
12 3 Sec. 32. Section 455G.4, subsection 1, paragraph a, Code  
12 4 Supplement 2005, is amended to read as follows:  
12 5 a. The director of the department of ~~natural resources~~  
12 6 environmental protection, or the director's designee.  
12 7 Sec. 33. Section 455G.4, subsection 2, Code Supplement  
12 8 2005, is amended to read as follows:  
12 9 2. DEPARTMENT COOPERATION WITH BOARD. The director of the  
12 10 department of ~~natural resources~~ environmental protection shall  
12 11 cooperate with the board in the implementation of this part so  
12 12 as to minimize unnecessary duplication of effort, reporting,  
12 13 or paperwork and maximize environmental protection.  
12 14 Sec. 34. Section 455G.9, subsection 7, Code 2005, is  
12 15 amended to read as follows:  
12 16 7. EXPENSES OF CLEANUP NOT REQUIRED. When an owner or  
12 17 operator who is eligible for benefits under this chapter is  
12 18 allowed by the department of ~~natural resources~~ environmental  
12 19 protection to monitor in place, the expenses incurred for  
12 20 cleanup beyond the level required by the department of ~~natural~~  
12 21 ~~resources~~ environmental protection are not covered under any  
12 22 of the accounts established under the fund. The cleanup  
12 23 expenses incurred for work completed beyond what is required  
12 24 is the responsibility of the person contracting for the excess  
12 25 cleanup.  
12 26 Sec. 35. Section 455H.103, subsections 4, 5, and 6, Code  
12 27 Supplement 2005, are amended to read as follows:  
12 28 4. "Commission" means the environmental protection  
12 29 commission created under section ~~455A.6~~ 455.5.  
12 30 5. "Department" means the department of ~~natural resources~~  
12 31 environmental protection created under section ~~455A.2~~ 455.2.  
12 32 6. "Director" means the director of the department of  
12 33 ~~natural resources~~ environmental protection appointed under  
12 34 section ~~455A.3~~ 455.3.  
12 35 Sec. 36. Section 455I.2, subsection 2, Code Supplement  
13 1 2005, is amended to read as follows:  
13 2 2. "Agency" means the department of ~~natural resources~~  
13 3 environmental protection created by section ~~455A.2~~ 455.2 or  
13 4 any other state department or federal agency that determines  
13 5 or approves the environmental response project pursuant to  
13 6 which an environmental covenant is created.  
13 7 Sec. 37. Section 455K.2, subsection 1, Code 2005, is  
13 8 amended to read as follows:  
13 9 1. "Department" means the department of ~~natural resources~~  
13 10 environmental protection created under section ~~455A.2~~ 455.2 or  
13 11 its delegated authority.  
13 12 Sec. 38. Section 456.1, subsection 1, Code 2005, is  
13 13 amended to read as follows:  
13 14 1. "Department" means the department of ~~natural resources~~  
13 15 environmental protection created under section ~~455A.2~~ 455.2.  
13 16 Sec. 39. Section 458A.2, subsection 3, Code 2005, is  
13 17 amended to read as follows:  
13 18 3. "Department" means the department of ~~natural resources~~  
13 19 environmental protection created under section ~~455A.2~~ 455.2.  
13 20 Sec. 40. Section 459.102, subsections 13, 20, and 22, Code  
13 21 Supplement 2005, are amended to read as follows:  
13 22 13. "Commission" means the environmental protection  
13 23 commission created pursuant to section ~~455A.6~~ 455.5.  
13 24 20. "Department" means the department of ~~natural resources~~  
13 25 environmental protection created pursuant to section ~~455A.2~~  
13 26 455.2.  
13 27 22. "Director" means the director of the department of  
13 28 ~~natural resources~~ environmental protection.  
13 29 Sec. 41. Section 459A.102, subsections 7 and 8, Code  
13 30 Supplement 2005, are amended to read as follows:  
13 31 7. "Commission" means the environmental protection  
13 32 commission created pursuant to section ~~455A.6~~ 455.5.  
13 33 8. "Department" means the department of ~~natural resources~~  
13 34 environmental protection created under section 455.2.  
13 35 Sec. 42. Section 460.302, subsection 8, paragraph c, Code  
14 1 2005, is amended to read as follows:

14 2 c. The owner submits a written statement that approved  
14 3 emergency repairs are necessary and do not constitute a basis  
14 4 to avoid the eventual closure of the well if closure is later  
14 5 determined to be required. If a county board of supervisors  
14 6 or the board's designee approves the emergency repair of an  
14 7 agricultural drainage well, the county board of supervisors or  
14 8 the board's designee shall notify the department of natural  
14 9 resources, or the department of environmental protection on or  
14 10 after July 1, 2006, of the approval within thirty days of the  
14 11 approval.

14 12 Sec. 43. Section 473.11, subsection 7, Code 2005, is  
14 13 amended to read as follows:

14 14 7. On June 30, 2003, the energy fund disbursement council  
14 15 established in subsection 3 shall be dissolved. At that time,  
14 16 the department of natural resources, or the department of  
14 17 environmental protection on or after July 1, 2006, shall be  
14 18 responsible for the disbursement of any funds either received  
14 19 or remaining in the energy conservation trust. These  
14 20 disbursements shall be for projects and programs consistent  
14 21 with the allowable uses for the energy conservation trust.  
14 22 Also, at that time, and annually thereafter, the state  
14 23 department of transportation shall report to the department of  
14 24 natural resources, or to the department of environmental  
14 25 protection on or after July 1, 2006, on the status of the  
14 26 intermodal revolving loan fund established in the department.  
14 27 In the fiscal year beginning July 1, 2019, the department of  
14 28 natural resources shall assume responsibility for funds  
14 29 remaining in the intermodal revolving loan fund and disburse  
14 30 them for energy conservation projects and programs consistent  
14 31 with the allowable uses for the energy conservation trust.

14 32 Sec. 44. Sections 7D.34, 7D.35, 8A.315, 8A.329, 8A.362,  
14 33 12.43A, 15.294, 15.295, 15A.1, 15E.111, 15E.175, 15E.208,  
14 34 16.131, 28G.2, 28G.6, 30.2, 30.5, 30.8, 72.5, 89B.17, 101.10,  
14 35 103A.8, 103A.8A, 123.26, 135.105, 135.145, 137C.16, 137F.13,  
15 1 159A.3, 159A.4, 159A.6B, 161.3, 161.5, 161.9, 161A.4, 161C.6,  
15 2 161C.7, 161F.5, 172D.1, 173.16, 206.2, 206.12, 206.25, 206.32,  
15 3 214A.19, 216B.3, 263.17, 266.39, 266.39C, 268.4, 272C.2,  
15 4 279.44, 307.21, 323A.2, 335.24, 352.4, 352.11, 357A.1, 364.22,  
15 5 414.21, 424.6, 455B.107, 455B.116, 455B.190, 455B.193,  
15 6 455B.305A, 455B.433, 455B.441, 455B.483, 455B.505, 455B.602,  
15 7 455D.11I, 455D.15, 455F.1, 455F.11, 455G.1, 455G.5, 455G.6,  
15 8 455G.12A, 455G.18, 455G.20, 460.101, 460.201, 460.304,  
15 9 460.305, 466.2, 466.3, 466.4, 466.5, 466.6, 466.7, 466.8,  
15 10 468.12, 470.1, 473.1, 473.20A, 476.6, 476.63, 558.69, 564A.9,  
15 11 654A.16, 657.11, and 716B.1, Code 2005, are amended by  
15 12 striking the words "department of natural resources" where  
15 13 they appear in those sections and inserting the words  
15 14 "department of environmental protection".

15 15 Sec. 45. Sections 161A.80, 262.9, 272C.1, 307.12, 331.653,  
15 16 357A.11, section 427.1, subsections 19 and 20, sections  
15 17 441.21, 455B.171, 455B.474, 455E.11, 455G.2, 455G.13, 455I.11,  
15 18 459.102, 459.401, and 466A.3, Code Supplement 2005, are  
15 19 amended by striking the words "department of natural  
15 20 resources" where they appear in those sections and inserting  
15 21 the words "department of environmental protection".

15 22 Sec. 46. TRANSITION PROVISIONS.

15 23 1. Any rule, regulation, form, order, or directive  
15 24 promulgated by any state agency mentioned in this Act,  
15 25 including any agency altered in this Act, and in effect on the  
15 26 effective date of this Act, shall continue in full force and  
15 27 effect until amended, repealed, or supplemented by affirmative  
15 28 action of the appropriate state agency under the duties and  
15 29 powers of state agencies as established in this Act and under  
15 30 the procedure established in subsection 2.

15 31 Any license or permit issued by any state agency mentioned  
15 32 in this Act, including any agency altered in this Act, and in  
15 33 effect on the effective date of this Act, shall continue in  
15 34 full force and effect until expiration or renewal.

15 35 2. References and format in the Iowa administrative code  
16 1 shall be updated in order to correspond to the restructuring  
16 2 of state government as established in this Act, and the  
16 3 administrative rules coordinator and the administrative rules  
16 4 review committee, in consultation with the administrative code  
16 5 editor, shall jointly develop a schedule for the necessary  
16 6 updating of the Iowa administrative code.

16 7 3. The duties, powers, responsibilities, and missions of  
16 8 state agencies included in this Act shall be as specified in  
16 9 this Act and the provisions of this Act shall govern in that  
16 10 regard and shall supersede any provisions to the contrary  
16 11 elsewhere in the law.

16 12 4. Any replacement of signs, logos, stationary, insignia,

16 13 uniforms, and related items that is made due to the effect of  
16 14 this Act shall be done as part of the normal replacement cycle  
16 15 for such items.

16 16 5. Members of the environmental protection commission  
16 17 appointed pursuant to section 455A.6 shall continue their  
16 18 terms as provided in that section and shall be replaced as  
16 19 necessary, pursuant to the provisions of this Act.

16 20 Sec. 47. Section 455A.6, Code 2005, is repealed.

16 21 EXPLANATION

16 22 This bill creates a department of environmental protection.  
16 23 The bill transfers the authority of the department of natural  
16 24 resources to protect the environment and manage energy to the  
16 25 new department and also transfers the existing environmental  
16 26 protection commission to the new department.

16 27 The bill provides that a director of the department of  
16 28 environmental protection shall be appointed by the governor  
16 29 subject to confirmation by the senate.

16 30 Numerous provisions in the Code are amended to coordinate  
16 31 with the provisions of the bill.

16 32 The bill contains transition provisions concerning the  
16 33 effect of existing rules, regulations, forms, orders, or  
16 34 directives promulgated by the department of natural resources,  
16 35 the effect of licenses or permits issued by the department of  
17 1 natural resources, and the composition of the environmental  
17 2 protection commission.

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17 4 av:nh/je/5.1